

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Boycat, Inc., individually and on behalf of all
others similarly situated,

Plaintiff,

v.

Microsoft Corporation,

Defendant.

No. 2:25-cv-00088- RSM

STIPULATED MOTION TO
CONSOLIDATE, AND EXTEND
DEADLINES AND ORDER

Jennifer Brodiski, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Microsoft Corporation,

Defendant.

2:25-cv-00112-RSM

Shonna Coleman, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Microsoft Corporation,

Defendant.

2:25-cv-00137-RSM

1 Xavier Smith, individually and on behalf of all
2 others similarly situated,

3 Plaintiff,

4 v.

5 Microsoft Corporation,

6 Defendant.

2:25-cv-00185-RSM

7 Storm Productions LLC, individually and on
8 behalf of all others similarly situated,

9 Plaintiff,

10 v.

11 Microsoft Corporation,

12 Defendant.

2:25-cv-00203-RSM

13 Just Josh Inc., individually and on behalf of all
14 others similarly situated,

15 Plaintiff,

16 v.

17 Microsoft Corporation,

18 Defendant.

2:25-cv-00205-RSM

19 Dana Bowling, individually and on behalf of all
20 others similarly situated,

21 Plaintiff,

22 v.

23 Microsoft Corporation,

24 Defendant.

2:25-cv-00209-RSM

1 Tessa Rhodes, individually and on behalf of all
2 others similarly situated,

3 Plaintiff,

4 v.

5 Microsoft Corporation,

6 Defendant.

2:25-cv-00306-RSM

7 Eddie Blotnicki, *et al.*, individually and on behalf
8 of all others similarly situated,

9 Plaintiffs,

10 v.

11 Microsoft Corporation,

12 Defendant.

2:25-cv-00349-RSM

13 Plaintiffs in the above captioned cases and Defendant Microsoft Corporation stipulate as
14 follows:

15 Plaintiff Boycat filed this action on January 14, 2025, and served the Complaint on
16 Microsoft on January 22, 2025. Since the filing of this action, eight Plaintiffs have filed
17 Complaints against Microsoft raising similar allegations.). *See Brodiski v. Microsoft Corp.*,
18 2:25-cv-112-RSM (W.D. Wash. Jan 16, 2025); *Shonna Coleman v. Microsoft Corp.*, 2:25-cv-
19 137-RSM (W.D. Wash. Jan. 21, 2025); *Xavier Smith vs. Microsoft Corp.*, 2:25-cv-185-RSM
20 (W.D. Wash. Jan. 29, 2025); *Dana Bowling v. Microsoft Corp.*, 2:25-cv-209-RSM (W.D.
21 Wash. Jan. 31, 2025); *Storm Productions, LLC v. Microsoft Corp.*, 2:25-cv-203-RSM (Jan. 31,
22 2025); *Just Josh, Inc. v. Microsoft Corp.*, 2:25-cv-205-RSM (W.D. Wash. Jan. 31, 2025); *Tessa*
23 *Rhodes v. Microsoft Corp.*, 2:25-cv-306-JNW (W.D. Wash. Feb. 14, 2025); and *Blotnicki v.*
24 *Microsoft*, 2:25-cv-00349-BJR (W.D. Wash. Feb. 24, 2025) (the “Related Cases”). All of the
25 Related Cases, but for the last two (*Rhodes v. Microsoft Corp.* and *Blotnicki v. Microsoft Corp.*)
26 have been assigned to The Honorable Ricardo Martinez, and Plaintiff’s counsel in all cases
27 have filed a Statement of Related Case.

1 Plaintiffs in the Related Cases have held discussions regarding both consolidation of the
2 related actions and appointment of interim class counsel under Federal Rule of Civil Procedure
3 23(g).

4 With respect to consolidation, on January 17, 2025, Plaintiff Boycat filed a motion to
5 consolidate this case with the *Brodiski* action, and any later filed actions asserting overlapping
6 claims under Rule 42(a). *See* Dkt. No. 7. The Court has not yet ruled on the motion to
7 consolidate, and after conferring with all counsel, Plaintiffs report that all Parties stipulate to
8 consolidation of the Related Cases.

9 Consolidation of the Related Cases is appropriate because Plaintiffs agree that the
10 Related Cases are based on the same subject matter, arise from the same nucleus of operative
11 facts, assert similar causes of action, define similar and overlapping classes, alleging similar
12 wrongful conduct, and seek similar remedies, and similar discovery and class certification
13 issues will be relevant to all of the Related Cases. Thus, consolidation will conserve judicial
14 resources and reduce the time and cost of trying the cases separately. *See, e.g., Burton-Curl v.*
15 *Seattle Coll. Dist. S. Campus*, Nos. 2:22-cv-01781-LK, 2:22-cv-01772-LK, 2023 WL 3004063,
16 at *1 (W.D. Wash. Apr. 19, 2023) (noting “[i]n determining whether consolidation is
17 warranted, courts evaluate the existence of common questions of law or fact and weigh the
18 interests of judicial economy against any delay or prejudice that might result.”); *In re Valve*
19 *Antitrust Litig.*, No. 2:21-CV-00563-JNW, 2024 WL 5009034, at *1 (W.D. Wash. Dec. 6,
20 2024) (finding that “given the sole defendant and overlapping factual and legal
21 issues, consolidation will promote judicial economy, ensure consistent results, and streamline
22 matters overall”); *and see Pierce v. Cnty. of Orange*, 526 F.3d 1190, 1203 (9th Cir. 2008)
23 (noting district courts broad discretion to consolidate actions).

24 Following consolidation, Plaintiffs’ counsel in the Related Cases intend to file a
25 Consolidated Amended Complaint.

26 With respect to leadership, the parties agree that appointment of interim class counsel is
27 appropriate given the number of cases filed and firms involved in the litigation. *See Ekin v.*

1 *Amazon Servs., LLC*, No. C14-0244-JCC, 2014 WL 12028588, at *3 (W.D. Wash. May 23,
2 2014) (where there are multiple filings and attorneys “designation of interim counsel clarifies
3 responsibility for protecting the interests of the class during precertification activities, such as
4 making and responding to motions, conducting any necessary discovery, moving for class
5 certification, and negotiating settlement.”) (quoting Manual of Complex Litigation § 21.11 (4th
6 ed. 2004)). Plaintiffs in the currently pending cases have reached consensus concerning
7 appointment of interim class counsel which will be reflected in the motion for appointment of
8 interim class counsel that they intend to file. Defendant takes no position on this motion. All
9 parties, however, agree that the filing of a Consolidated Amended Complaint should follow
10 appointment of interim class counsel.

11 Accordingly, the parties agree that rather than responding to each Complaint in the
12 Related Cases, Microsoft should respond to the Consolidated Amended Complaint, once filed.

13 Therefore the parties jointly move the Court for an Order as follows:

- 14 • The above captioned actions shall be consolidated as *In re Microsoft Browser*
15 *Extension Litigation*, No. 2:25-cv-00088-RSM (W.D. Wash);
 - 16 • Plaintiffs shall file a motion for the appointment of interim class counsel on or
17 before March 3, 2025;
 - 18 • Plaintiffs will file a Consolidated Amended Complaint within 30 days of an order
19 appointing interim class counsel;
 - 20 • Microsoft will respond to the Consolidated Amended Complaint within 45 days
21 after the filing of Plaintiffs’ consolidated complaint;
 - 22 • If Microsoft responds by way of motion to dismiss, interim class counsel shall file
23 an opposition to the motion to dismiss within 45 days of the motion; and
24 Microsoft shall have 21 days to file a reply.
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I certify that this memorandum contains
785 words, in compliance with the Local
Civil Rules.

February 27, 2025

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ORDER

This matter comes before the Court on the Parties' Stipulated Motion to Extend Deadlines and Proposed Order. The Court GRANTS the Parties' Stipulated Motion and establishes the following schedule:

- The above captioned actions shall be consolidated as *In re Microsoft Browser Extension Litigation*, No. 2:25-cv-00088-RSM (W.D. Wash);
- Plaintiffs shall file a motion for the appointment of interim class counsel on or before March 3, 2025;
- Plaintiffs will file a Consolidated Amended Complaint within 30 days of an order appointing interim class counsel;
- Microsoft will respond to the Consolidated Amended Complaint within 45 days after the filing of Plaintiffs' consolidated complaint;

If Microsoft responds by way of motion to dismiss, interim class counsel shall file an opposition to the motion to dismiss within 45 days of the motion; and Microsoft shall have 21 days to file a reply.

IT IS SO ORDERED.

DATED this 3rd day of March, 2025.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE